

**REMARKS**

Applicant wishes to thank the Examiner for careful consideration of this application. Currently, claims 1, 4-6, 9-10, 16, 19 and 94-98 are pending. Claims 2-3, 7-8, 11-15, 17-18 and 20-93 have been canceled. The Examiner has restricted the claims in the case to five (5) invention groups, as follows:

1. Invention I, claims 4-6, 9, 10, 16, 19, 94 and 98 drawn to a method for the treatment of an eye disorder comprising administering a therapeutically effective amount of a dsRNA and preparing said dsRNA;
2. Invention II, claims 4-6, 9, 10, 16, 19, 95 and 98 drawn to a method for the treatment of an eye disorder comprising administering a therapeutically effective amount of a dsRNA and diagnosing a subject with a disorder of the eye;
3. Invention III, claims 4-6, 9, 10, 16, 19, 95 and 98 drawn to a method for the treatment of an eye disorder comprising administering a therapeutically effective amount of a dsRNA and diagnosing a subject with a predisposition to a disorder of the eye;
4. Invention IV, claims 4-6, 9, 10, 16, 19, 96 and 98 drawn to a method for the treatment of an eye disorder comprising administering a therapeutically effective amount of a dsRNA and detecting a product of the target gene of said dsRNA; and
5. Invention V, claims 4-6, 9, 10, 16, 19, 97 and 98 drawn to a method for the treatment of an eye disorder comprising administering a therapeutically effective amount of a dsRNA and isolating the target gene of said dsRNA.

The Examiner alleges that the inventions listed in Groups I-V do not related to a single general inventive concept under PCT Rule 13 because they lack the same or corresponding special technical feature. In particular, the Examiner asserts that the special technical feature of the step of treating a disorder of the eye by administering outside the blood-retinal barrier a dsRNA complementary to a target gene in the eye can not be the special technical feature because the process is allegedly taught by the prior art. Applicant respectfully disagrees.

Initially, it is respectfully submitted that the Examiner has prematurely determined that the present claims lack a contribution over the prior art or otherwise lack novelty or inventive step. The special technical feature of the pending claims was present in the claims as originally filed, and during the international search no such lack of unity of invention was set forth. Each

of claims 94-98 depend from claim 1 and add an additional step to the method set forth in claim 1. Applicant has presented arguments supporting the novelty and inventive step for the present claims in the most recent Amendment and Response dated February 7, 2008, which have apparently been ignored by the Office.

Applicant respectfully traverses the restriction requirement and requests reconsideration. In order to be fully responsive, Applicant has provisionally elected, with traverse, the invention of Invention Group IV as defined by claims 4-6, 9, 10, 16, 19, 96 and 98 drawn to a method for the treatment of an eye disorder comprising administering a therapeutically effective amount of a dsRNA, further modified in dependent claim 96 by detecting a product of the target gene of said dsRNA.

It is respectfully submitted that the search classification for each invention group will substantially overlap. Each of the claims, as presently recited, includes a method for the treatment of a disorder of the eye by administering, outside the blood-retina barrier, a dsRNA between 21 and 23 nucleotides in length. The Examiner will not be seriously burdened by searching and considering the inventions as described in all the previously pending claims. Accordingly, the Examiner has not established a proper restriction requirement.

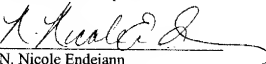
By this election, Applicant does not admit, nor does Applicant waive the right to argue against at a later date, the Examiner's statement that the groups of inventions are patentably distinct. Applicant expressly reserves the right to present the claims of Invention Groups I-III, V, or other claims, in one or more divisional, continuation, or continuation-in-part applications at a later date.

**CONCLUSION**

Applicant has timely filed this response. In the event that an additional fee is required for this response, the Commissioner is hereby authorized to charge such fees to Deposit Account No. 50-0436.

Should the Examiner have any questions or comments, or need any additional information from Applicant's attorney, he is invited to contact the undersigned at his convenience.

Respectfully submitted,  
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